

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant : Dan Bourla
Appl. No. : 10/724,821
File : December 2, 2003
Title : INTRAOPERATIVE BIOMETRY
Group Art Unit: 2873
Examiner : Brandi N. Thomas
Docket No. : 1371DAN-US
Honorable Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REPLY

Sir:

Applicant has carefully studied the outstanding Official Action mailed on July 10, 2007. This response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Claims 7-10 stand rejected under 35 USC §102(b) as being anticipated by Fercher (US 5847827).

Claims 11-16 stand rejected under 35 USC §103(a) as being unpatentable over Fercher in view of Baumann et al (US 2006/0146283).

Examiner states in the rejection of claims 7-10:

Regarding claim 7, Fercher discloses, in figures 1 and 7, a method for performing biometry, comprising: removing a lens from an eye; and making biometric measurements with a partial coherence interferometry (PCI) device aimed at the eye (30) after removal of the lens therefrom (col.9, lines 51-59).

Regarding claim 8, Fercher discloses, in figures 1 and 7, a method for performing biometry, further comprising calculating optical features based on the biometric measurements and selecting an intraocular lens (12) (IOL) in accordance with the optical features (col. 10, lines 5-10).

Applicant respectfully traverses these rejections. Fercher never says anything about removing the natural lens from the eye, not in col. 9 and not anywhere else. Furthermore, it is respectfully pointed out that Examiner has erred about item 12 of Fercher. Item 12 is not an IOL at all, rather item 12 is the “optics focussing the measurement light on the object to be measured” – it is part of the device and has nothing to do with an IOL.

Accordingly, Fercher does not anticipate the claimed invention at all, and all the claims of record are deemed to be allowable.

Applicant hereby permits email correspondence with Applicant's representative, especially for clarifying points to lead to allowance of the application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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